



DEPARTMENT OF THE ARMY
PORTLAND DISTRICT, CORPS OF ENGINEERS
P.O. BOX 2946
PORTLAND, OREGON 97208-2946
March 26, 1996

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11.3.31.5.1 v4

REPLY TO
ATTENTION OF:

Operations, Construction,
and Readiness Division

SUBJECT: Permit Application ID No: 95-986

RG10 Rail
ACOE Terms &
Conditions

Port of Portland
Attn: Dana Siegfried
P.O. Box 3529
Portland, Oregon 97208

Dear Ms. Siegfried:

Enclosed are your fully executed Department of the Army Permit and a notice of authorization which must be posted at the work site.

Please carefully read the permit and its conditions. In addition, if you have a contractor and/or agent, please review these conditions with them to ensure that the work is performed in accordance with the permit terms. Also be aware that other authorizations from Federal, state, or local governments may be required by law. If the work is not completed prior to the permit expiration date, you may apply for a time extension. We recommend you apply for a time extension at least 90 days before the expiration date of the permit.

If you have any questions, please contact Judy Linton, at the above address or telephone (503) 326-6096.

Sincerely,

Byron Blankenship
Chief, Permits and Enforcement Section

Enclosures



DEPARTMENT OF THE ARMY PERMIT

Permittee: PORT OF PORTLAND

Permit No: 95-00986

Issuing Office: U.S. ARMY CORPS OF ENGINEERS, PORTLAND DISTRICT

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Place approximately 9530 cubic yards of clean fill material into 1.27 acres of wetlands. Side slopes of the fill will be at 2.75H:1V; a 25 foot clear span trestle will be placed at the east end of the project site to provide passage for wildlife. A sediment fence will be used to identify the access boundary and prevent encroachment into adjacent wetland areas. All staging will occur on adjacent uplands. Any areas disturbed by construction that are not within the footprint of the fill will be restored to their present condition.

To mitigate for wetland losses, restoration will occur over 1.3 acres.

Purpose: Expand rail capacity and provide more efficient rail service to industries in South Rivergate.

Drawings: Five sheets marked 95-986 (Columbia Slough - Wetland Fill)

Project Location: Rivergate Industrial Area adjacent to N. Lombard Street (Section 35, T2N, R1W), Columbia Slough (mile 2.3), in Portland, Multnomah County, Oregon.

General Conditions:

1. The time limit for completing the work authorized ends on March 31, 1999. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.



This notice of authorization must be conspicuously displayed at the site of work.

United States Army Corps of Engineers

March 26, 1996

A permit to place fill material in a wetland.

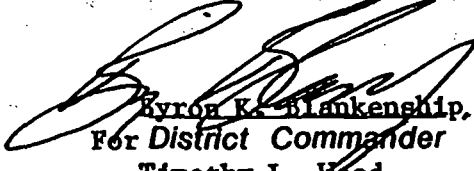
at Mile 2.3 of the Columbia Slough, in a area adjacent to N. Lombard Street
Rivergate Industrial Park, in Portland, Oregon.

has been issued to Port of Portland on March 26, 1996

Address of Permittee P.O. Box 3529, Portland, Oregon 97208

Permit Number

ID: 95-986


Byron K. Blankenship,
For District Commander
Timothy L. Wood
Colonel, U.S. Army
Commanding

ENG FORM 4336, Jul 81 (33 CFR 320-330) EDITION OF JUL 70 MAY BE USED

(Proponent: CECW-O)

Permittee: PORT OF PORTLAND

Permit No: 95-00986

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions a. through n.:

- a. All construction debris shall be disposed of in such a manner that it cannot enter the waterway.
- b. All piling and lumber treated with any form of protective material shall be completely dry before use in or near the waterway.
- c. Care shall be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering the water.
- d. Only clean fill material shall be used.
- e. Construction related disturbances to areas outside of the footprint of the rail line fill shall be restored following project completion.
- f. A sediment fence shall be used to identify the access boundary and prevent encroachment into adjacent wetland areas.
- g. All staging shall occur on uplands.
- h. Project design for the east end of the wetland crossing shall include a 26-foot clear span trestle to provide passage for wildlife.

(Cont'd on page 2a)

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- ☐ Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- ☒ Section 404 of the Clean Water Act (33 U.S.C. 1344).
- ☐ Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

Permittee: PORT OF PORTLAND

Permit No: 95-00886

i. Mitigation shall occur as described in Attachment B ("Resource Replacement Mitigation") of the permit application. This mitigation shall be completed in its entirety, subject to revisions and conditions detailed in special conditions j. through l. below. The permittee's obligation to provide the described mitigation shall continue until such time as the Corps of Engineers determines, in accordance with condition l.i. that the obligation has been met.

j. Mitigation Site Construction and Operation.

1. Construction (excavation and grading) of the mitigation site shall be initiated prior to or concurrent with the wetland filling activity.
2. The permittee shall ensure that the surface soil at the mitigation site contains a minimum of 8 percent organic material.
3. The permittee shall notify the Corps of Engineers upon completion of the construction (excavation and grading) of the mitigation site, and before the planting of that site.

k. Mitigation Monitoring and Reporting.

1. The permittee shall provide the Corps of Engineers with a yearly report providing information on the status of the project.
2. For year zero, the year in which the mitigation site is constructed and planted, the permittee shall provide the Corps of Engineers with an as-built mitigation site report. That report shall include as-built plan and cross-section drawings, and full photographic coverage of the mitigation site from fixed locations.
3. For the first through fifth years after planting of the site (years 1-5) the permittee shall provide the Corps of Engineers with annual mitigation monitoring reports. These reports shall include i) full photographic coverage of the site, ii) vegetation transect data, iii) hydrology information (including depth and duration of open water and emergent areas), iv) wildlife use, and v) such other information as may be necessary to substantiate success of the mitigation effort. Sample points (photographic coverage, vegetation transects, hydrology samples, etc.) shall remain constant throughout the monitoring period and shall be clearly indicated on the maps submitted with the report.
4. All reports shall be due by November 1 of each year.

l. Mitigation Success and Remediation:

1. After the Corps of Engineers receives the final mitigation monitoring report, it shall compare the results with the success criteria below, determine whether the permittee has met its mitigation obligation, and notify the permittee of its determination.
2. The mitigation effort shall be considered successful if i) ground surface cover of planted herbaceous species is equal to or greater than 50% the first year, 65% the second year, and 80% thereafter; ii) planted shrubs and trees have an 80% survival rate in each of the five years, and iii) the site is saturated to the surface for at least 21 days during the spring of a normal rainfall year.
3. If, at any point during the five years after planting, the site fails to meet the success criteria, the permittee shall report this fact and provide a remediation plan. This plan shall be reviewed and approved by the Corps of Engineers prior to implementation by the permittee. The monitoring period shall be extended to the degree determined necessary by the Corps of Engineers.
- m. Once the compensatory mitigation has been approved as complete, the permittee may maintain the mitigation site, if consistent with the compensatory mitigation goals, by such activities as control of nutria and removal of exotic (non-native) vegetative species. The permittee may not engage in activities inconsistent with compensatory mitigation goals, such as removal of vegetation or alteration of hydrology, without written approval from the Corps of Engineers. If the events beyond the permittee's control cause the wetland in the compensatory mitigation site to become a non-wetland, the permittee may petition this office for a revocation of the record covenant and of these permit conditions.
- n. Any necessary project modifications within the regulatory jurisdiction of the Corps of Engineers or substantial modifications of the mitigation plan shall be reported; written approval from the Corps of Engineers is required prior to implementation of any such modification.

Permittee: PORT OF PORTLAND

Permit No: 95-00886

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

Kenneth Weber
(PERMITTEE SIGNATURE)

3/26/96
(DATE)

Kenneth Weber
(PRINTED NAME)

Director, Engr. Sys.
(TITLE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Byron K. Blankenship
(DISTRICT ENGINEER)
Byron K. Blankenship
FOR
Timothy L. Wood
Colonel, U.S. Army
Commanding

March 26, 1996
(DATE)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE)

(DATE)

95-986 (Columbia Slough-Wetland Fill)

COLUMBIA RIVER

KELLY POINT PARK

WILLAMETTE RIVER

COLUMBIA

TERMINAL 6

TERMINAL 5

N. LOMBARD STREET

PROPOSED RAILROAD TRACKS

SLOUGH

N. MARINE DRIVE

BYBEE LAKE

SMITH LAKE

PROJECT SITE
MITIGATION SITE

TRESTLE SITE
LATITUDE 45°37'01"
LONGITUDE 122°46'10"

VICINITY MAP

0 1000 2000 3000

VICINITY MAP TAKEN FROM
PORT OF PORTLAND BASE
MAPPING.

RAILROAD FILL AND BRIDGE
WETLAND
PORTLAND, MULTNOMAH COUNTY, OREGON
SEPTEMBER 1995
PORT OF PORTLAND



SCALE: 1" = 2000'

SHEET 1 OF 5

95-986 (Columbia Slough-Wetland Fill)

EXISTING CULVERT

WETLAND BOUNDARY

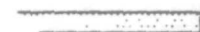
UNION PACIFIC RAILROAD

UPRR R/W

LEGEND



PROPOSED ALIGNMENT



FILL LIMITS



ELECTRICAL TRANSMISSION
TOWERS

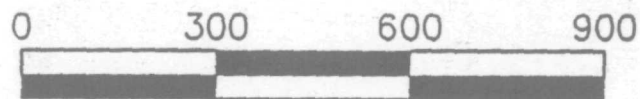
NOTES :

1. AREA OF FILL ON WETLANDS IS 55,400 sq. ft.
2. VOLUME OF FILL FOR TRACK CONSTRUCTION IS 9534 CY.
3. ALL ADJACENT PROPERTY IS OWNED BY THE PORT OF PORTLAND, UNLESS NOTED OTHERWISE.
4. ALL STREETS ARE OWNED BY THE CITY OF PORTLAND.

NORTH LOMBARD ST.

TRESTLE
25' CLEAR SPAN

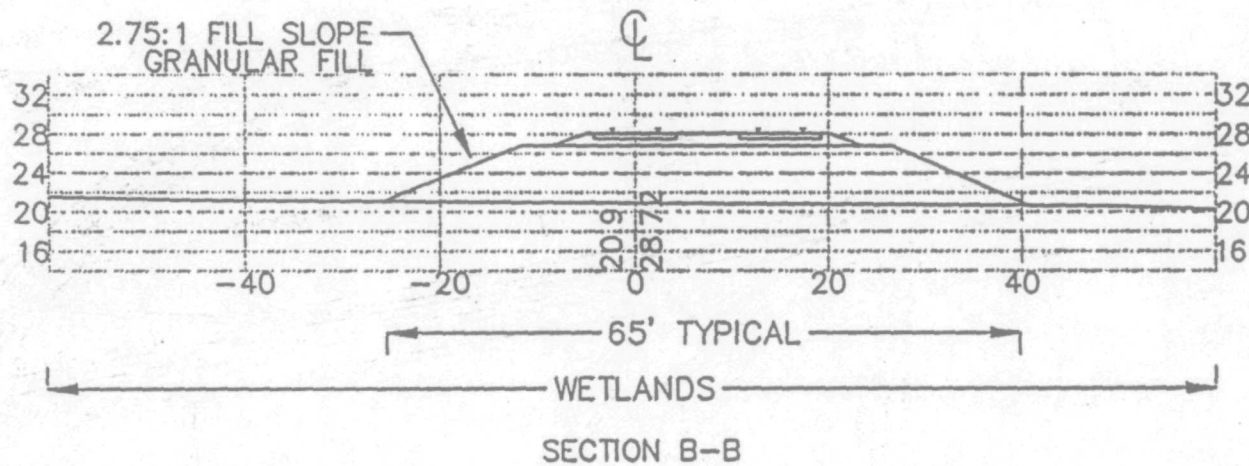
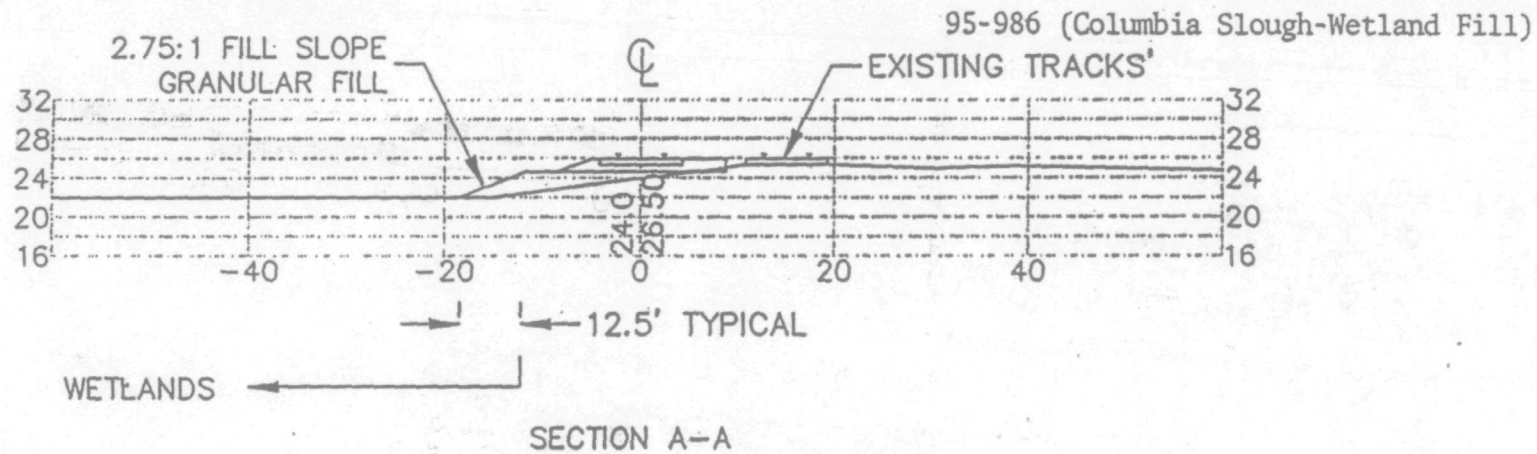
PLAN VIEW



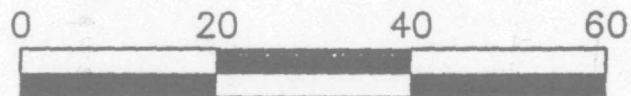
RAILROAD FILL AND BRIDGE
WETLAND
PORTLAND, MULTNOMAH COUNTY, OREGON
SEPTEMBER 1995
PORT OF PORTLAND

SCALE: 1" = 300'

SHEET 2 OF 5



NOTE :
ALL ELEVATIONS REFER TO
CITY OF PORTLAND DATUM.



TYPICAL SECTIONS

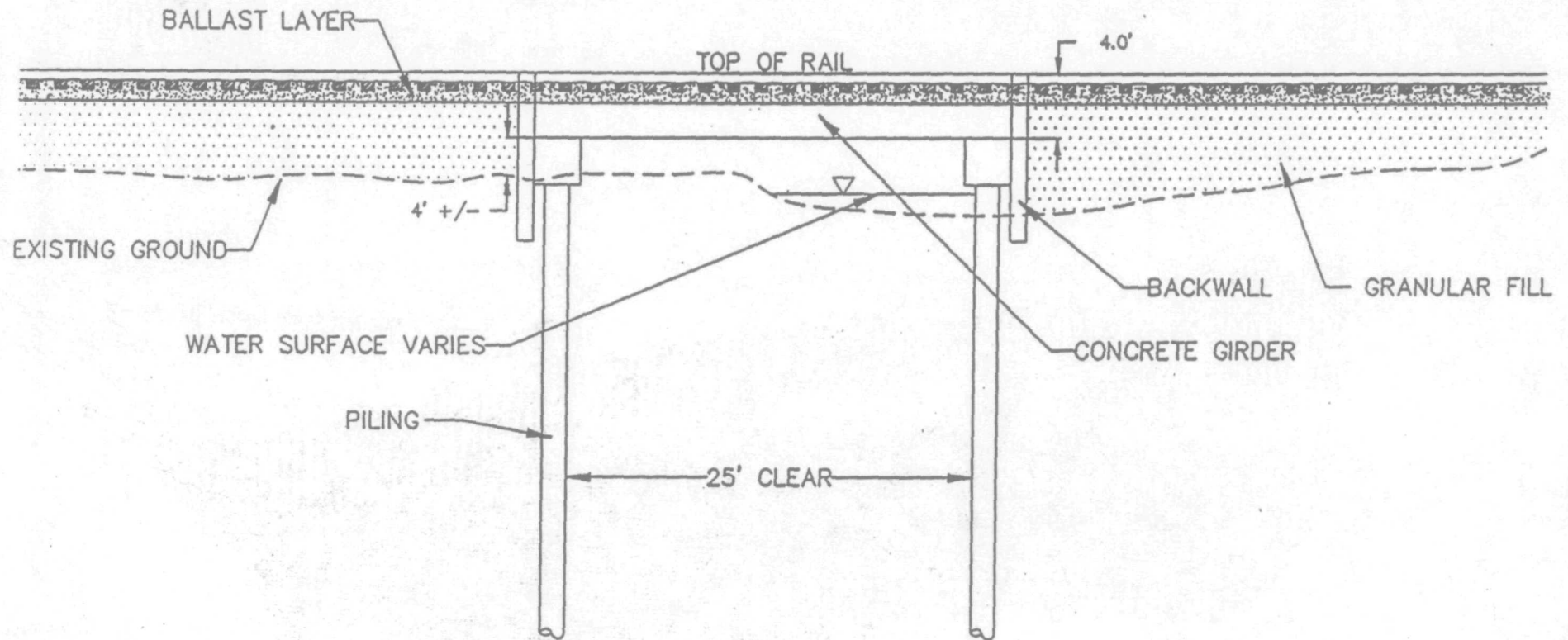
RAILROAD FILL AND BRIDGE
WETLAND
PORTLAND, MULTNOMAH COUNTY, OREGON
SEPTEMBER 1995
PORT OF PORTLAND



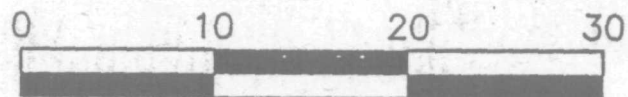
SCALE: 1" = 20'

SHEET 3 OF 5

95-986 (Columbia Slough-Wetland Fill)



TRESTLE ELEVATION VIEW



RAILROAD FILL AND BRIDGE
WETLAND
PORTLAND, MULTNOMAH COUNTY, OREGON
SEPTEMBER 1995
PORT OF PORTLAND



SCALE: 1" = 10'

SHEET 4 OF 5

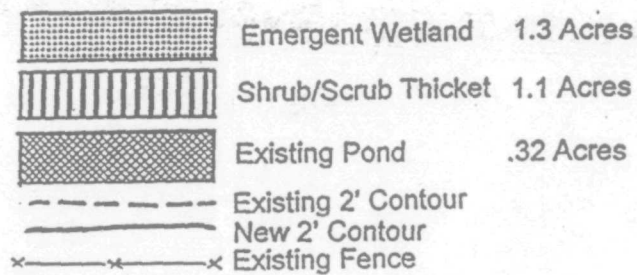
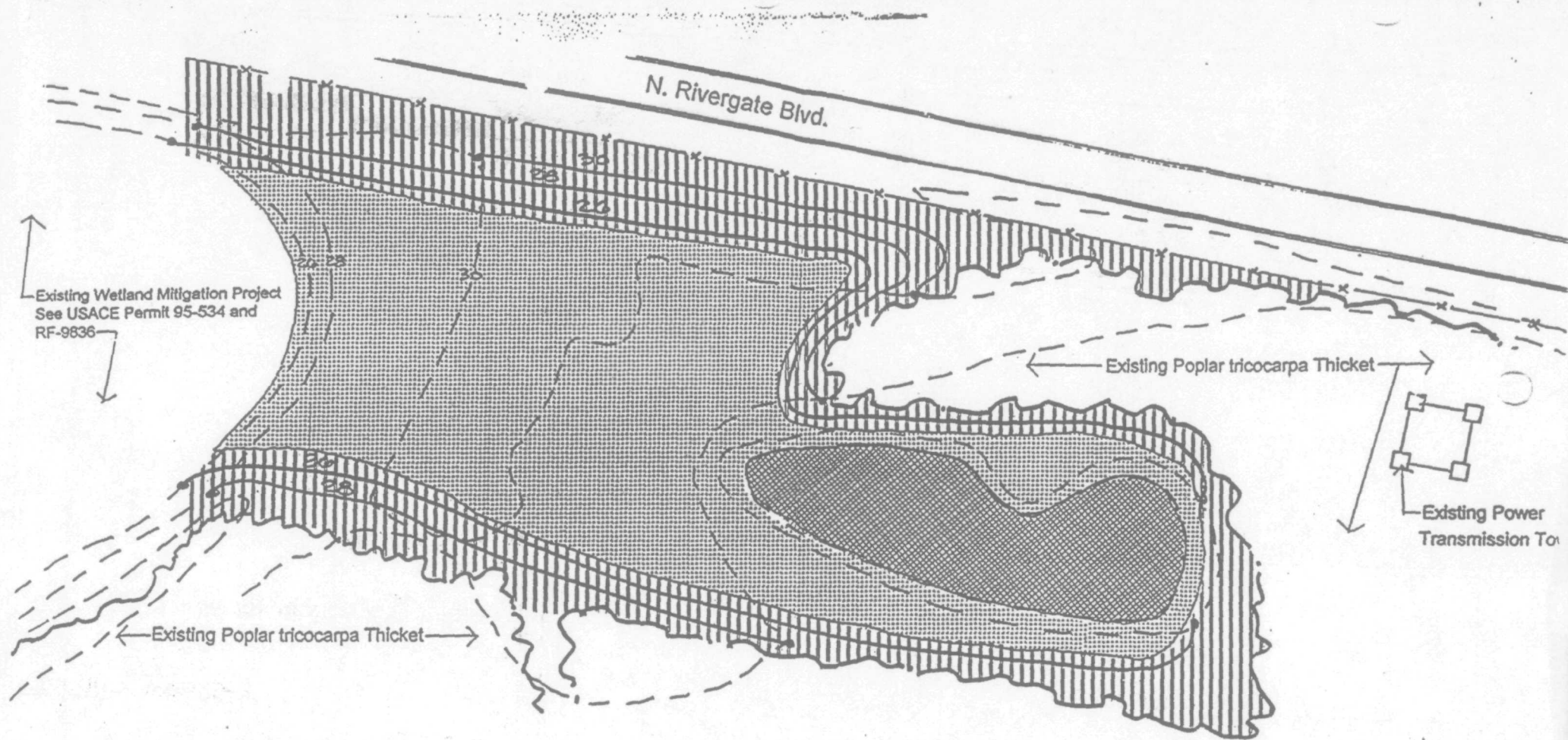


Fig 1